

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1333

Introduced by Wickersham, 49; Jones, 43

Read first time January 19, 2000

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to telecommunications; to amend section
2 86-1506, Reissue Revised Statutes of Nebraska; to provide
3 assistance to counties and municipalities for delivering
4 and installing broadband and advanced telecommunications
5 infrastructure and services; to provide intent; to
6 require certain funding reimbursements; to harmonize
7 provisions; and to repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature recognizes that access to
2 technology through broadband and other advanced telecommunications
3 service plays an important role in improving Nebraskans' quality of
4 life and encouraging economic development in local communities.
5 The Legislature further recognizes that the ability to access
6 technology is dependent upon telecommunications infrastructure,
7 that many areas of the state lack delivery of broadband or advanced
8 telecommunications service due to prohibitive costs of service, and
9 that such capacity is unlikely to develop in many areas because the
10 service volume at economic rates will not cover service costs. It
11 is the intent of the Legislature to assist counties and
12 municipalities (1) by enhancing the ability of counties and
13 municipalities to contract with service providers to lower costs
14 for installation of broadband or advanced telecommunications
15 infrastructure and delivery of resulting services without owning or
16 operating all or part of a delivery system, (2) in obtaining
17 financial assistance to support lower cost broadband or advanced
18 telecommunications service, (3) by analyzing proposals for cost and
19 statewide technology standards, and (4) by establishing a
20 reimbursement mechanism if the service was provided as a result of
21 any funded proposal becomes economically viable without such
22 financial assistance.

23 Sec. 2. The Nebraska Information Technology Commission
24 shall assist any county or municipality by helping to inventory
25 existing telecommunications infrastructure, resources, and services
26 within the exchange or other area defined by the municipality or
27 county for which broadband or advanced telecommunications service
28 is proposed, identify potential broadband or advanced

1 telecommunications service providers, determine desired broadband
2 or advanced telecommunications service levels, and establish a
3 competitive process for selection of a broadband or advanced
4 telecommunications service provider. Nothing in this section shall
5 authorize any political subdivision of this state to operate as a
6 telecommunications contract carrier or a telecommunications common
7 carrier engaged in furnishing telecommunications service for hire
8 in Nebraska intrastate commerce. Any county or municipality,
9 singularly or as a group, may request such assistance by contacting
10 the commission. The commission shall not charge a county or
11 municipality a fee for any service provided pursuant to this
12 section.

13 Sec. 3. Any county or municipality may request the
14 Public Service Commission to review the service proposal (1) if the
15 county or municipality has obtained at least one proposal from a
16 service provider, that is an eligible telecommunications company
17 designated by the commission pursuant to 47 U.S.C. 214(e), to
18 install broadband or advanced telecommunications infrastructure and
19 deliver broadband or advanced telecommunications service with
20 assistance from the county or municipality and (2) if the potential
21 service provider agrees to abide by conditions for open access to
22 be determined by the commission based on the total service
23 long-term incremental cost analysis. The commission shall review
24 the proposal to determine whether the estimated cost is reasonable,
25 whether the proposal is compatible with other systems in the state,
26 the service volume at which the service would be delivered
27 economically without financial assistance from the county or
28 municipality, and whether the conditions for open access based on a

1 total service long-term incremental cost analysis are neutral in
2 their impact. The review may involve other information which the
3 commission deems relevant. The commission shall not charge a
4 county or municipality a fee for any review provided pursuant to
5 this section.

6 Sec. 4. Any service provider which obtains financial
7 assistance from a county or municipality to deliver and install
8 broadband or advanced telecommunications infrastructure and deliver
9 broadband or advanced telecommunications service shall refund the
10 financial assistance received if service volume is equal to the
11 service volume at which the Public Service Commission determined
12 the service would be economical is realized for a period to be
13 contracted for between the service provider and the county or
14 municipality but not longer than six consecutive months.

15 Sec. 5. Section 86-1506, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 86-1506. The commission shall:

18 (1) By July 1, 1999, and each July 1 thereafter, adopt
19 policies and procedures used to develop, review, and annually
20 update a statewide technology plan;

21 (2) Create a technology information clearinghouse to
22 identify and share best practices and new developments, as well as
23 identify existing problems and deficiencies;

24 (3) Review and adopt policies to provide incentives for
25 investments in information technology infrastructure services;

26 (4) Determine a broad strategy and objectives for
27 developing and sustaining information technology development in
28 Nebraska, including long-range funding strategies, research and

1 development investment, support and maintenance requirements, and
2 system usage and assessment guidelines;

3 (5) By September 15, 1998, adopt guidelines regarding
4 project planning and management, information sharing, and
5 administrative and technical review procedures involving
6 state-owned or state-supported technology and infrastructure.
7 Governmental entities, state agencies, and political subdivisions
8 shall submit projects which directly utilize state-appropriated
9 funds for information technology purposes to the process
10 established by sections 86-1501 to 86-1514. Governmental entities
11 and political subdivisions may submit other projects involving
12 information technology to the commission for comment, review, and
13 recommendations;

14 (6) By September 15, 1998, adopt minimum technical
15 standards, guidelines, and architectures upon recommendation by the
16 technical panel created in section 86-1511;

17 (7) Establish ad hoc technical advisory groups to study
18 and make recommendations on specific topics, including work groups
19 to establish, coordinate, and prioritize needs for education, local
20 communities, and state agencies;

21 (8) By November 15 of each even-numbered year, make
22 recommendations on technology investments to the Governor and the
23 Legislature, including a prioritized list of projects, reviewed by
24 the technical panel, for which new or additional funding is
25 requested;

26 (9) Approve grants from the Community Technology Fund and
27 Government Technology Collaboration Fund;

28 (10) By September 15, 1998, adopt schedules and

1 procedures for reporting needs, priorities, and recommended
2 projects; ~~and~~

3 (11) Provide assistance upon request to the Public Safety
4 Wireless Communication Advisory Board; and

5 (12) Provide assistance to counties and municipalities
6 pursuant to section 2 of this act.

7 Sec. 6. Original section 86-1506, Reissue Revised
8 Statutes of Nebraska, is repealed.